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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NATIONAL PHOTO GROUP, LLC,
a California limited liability
company,

Plaintiff,

vs.

VIACOM INTERNATIONAL, INC., a
Delaware corporation, and **DOES 1-**
10, inclusive,

Defendants.

Case No.

CV 12-7125 - MWF
(max)

**COMPLAINT FOR COPYRIGHT
INFRINGEMENT**

DEMAND FOR JURY TRIAL

1 Plaintiff National Photo Group, LLC, by and through its undersigned
2 counsel, states and alleges as follows:

3 INTRODUCTION

4 1. Plaintiff National Photo Group, LLC ("NPG") provides
5 entertainment-related photojournalism goods and services. In particular,
6 NPG owns the rights to a multitude of photographs featuring celebrities,
7 which it licenses to online and print publications. NPG's portfolio of celebrity
8 photographs is the bread and butter of its business.

9 2. NPG has obtained U.S. copyright registrations covering many of
10 its celebrity photographs, and others are the subject of pending copyright
11 applications.

12 3. Defendant Viacom International, Inc. ("Viacom") owns and
13 operates a website dedicated to music and popular culture.

14 4. Without permission or authorization from NPG, Viacom copied,
15 modified, and displayed NPG's celebrity photographs on Viacom's website.

16 5. Viacom engaged in this misconduct knowingly and in violation of
17 the United States copyright laws.

18 6. NPG has been substantially harmed as a result of Viacom's
19 misconduct.

20 JURISDICTION AND VENUE

21 7. This Court has subject matter jurisdiction over the federal
22 copyright infringement claims pursuant to 28 U.S.C. § 1338(a) and 28
23 U.S.C. § 1331.

24 8. This Court has personal jurisdiction over Viacom because it has
25 substantial contacts with California and, as such, has personally availed
26 itself of the laws of this state.

27 //

28 //

1 9. Venue is proper under 28 U.S.C. §1391(a)(2) because this is a
 2 judicial district in which a substantial part of the events or omissions giving
 3 rise to the claim occurred.

4 **PARTIES**

5 10. NPG is a California limited liability company and maintains its
 6 principal place of business in Los Angeles, California.

7 11. Upon information and belief, Viacom is a Delaware corporation
 8 and maintains its principal place of business in New York, New York.

9 12. NPG does not know the true names and capacities, whether
 10 individual, associate, corporate or otherwise, of Defendants sued herein as
 11 Does 1-10 inclusive, and NPG therefore sues said Defendants by such
 12 fictitious names.

13 13. NPG will amend this complaint to state the true names and
 14 capacities of the Doe Defendants once they have been discovered. NPG is
 15 informed and believes, and, on that basis, alleges that each Defendant sued
 16 herein by a fictitious name is in some way liable and responsible to NPG
 17 based on the facts herein alleged.

18 **FACTUAL ALLEGATIONS**

19 **NPG's Business**

20 14. NPG provides entertainment-related photojournalism goods and
 21 services. In particular, NPG owns the rights to a multitude of photographs
 22 featuring celebrities, which it licenses to online and print publications.

23 15. NPG has invested significant time and money in building its
 24 celebrity photograph portfolio. Due to the quality of its celebrity
 25 photographs, NPG has developed an impressive list of clients including
 26 some of the most-recognized names in celebrity reporting ("NPG's Clients").

27 //

28 //

NPG's Copyrights

16. NPG has obtained U.S. copyright registrations covering many of its celebrity photographs.

17. NPG's celebrity photographs are original, creative works in which NPG owns protectable copyright interests.

18. NPG owns several active and valid copyright registrations with the United States Copyright Office (the "USCO"), which registrations cover NPG's celebrity photographs.

19. For example, on March 6, 2012, NPG obtained a copyright registration for a collection of celebrity photographs, USCO Registration No. VA0001806495 (the "Copyright"), which included a series of photographs of actor Demi Moore (the "Photographs").

Defendant's Website

20. Viacom is the registered owner of the website located at <vh1.com> (the "Website"). On information and belief, Viacom operates the Website and is responsible for all Website content.

21. The Website provides articles and other information about music and popular culture.

22. The Website is monetized in that it contains paid advertisements. On information and belief, Viacom profits from these paid advertisements.

23. On information and belief, the Website averages approximately 2,094,956 unique visitors per month.

Defendant's Misconduct

24. On or about March, Viacom posted the Photographs on the Website in a post entitled "Welcome Back, Demi Moore, Now Please Stay Away from Ashton."

//



34. On information and belief, without permission or authorization from NPG, and in willful violation of NPG's rights under 17 U.S.C. § 106, Viacom displayed the Photographs on the Website.

35. Viacom's reproduction of the Photographs, and display of the Photographs on the Website constitute copyright infringement.

36. On information and belief, thousands of people have viewed the unlawful copies of the Photographs on the Website.

37. On information and belief, Viacom had knowledge of the copyright infringement alleged herein and had the ability to stop the reproduction and display of NPG's copyrighted material.

38. Defendant's copyright infringement has damaged NPG in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, NPG respectfully requests judgment as follows:

1. That the Court enter a judgment finding that Viacom has infringed on NPG's Copyright in the Photographs in violation of 17 U.S.C. § 501 et seq.;

2. That the Court award damages and monetary relief as follows:

- a. Statutory damages against Viacom pursuant to 17 U.S.C. § 504(c) of \$150,000 per infringement or, in the alternative, NPG's actual damages and Viacom's wrongful profits in an amount to be proven at trial;
- b. NPG's attorneys' fees pursuant to 17 U.S.C. § 505;
- c. NPG's costs; and

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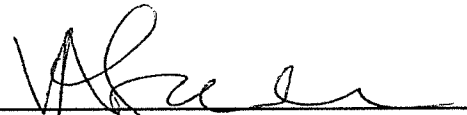
//

3. Such other relief that the Court determines is just and proper.

Respectfully Submitted,

DATED: August 15, 2012

KRONENBERGER ROSENFELD, LLP

By: 
Virginia A. Sanderson

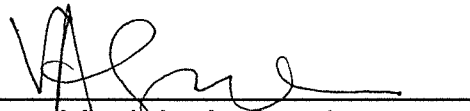
Attorneys for Plaintiff

REQUEST FOR JURY TRIAL

Plaintiff hereby demands a trial of this action by jury.

DATED: August 15, 2012

KRONENBERGER ROSENFELD, LLP

By: 
Virginia A. Sanderson

Attorneys for Plaintiff



**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Michael Fitzgerald and the assigned discovery Magistrate Judge is Michael Wilner.

The case number on all documents filed with the Court should read as follows:

CV12- 7125 MWF (MRW~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

===== :
NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

NATIONAL PHOTO GROUP, LLC, a California
limited liability company,

Plaintiff

v.

VIACOM INTERNATIONAL, INC., a Delaware
corporation, and DOES 1-10, inclusive,

Defendant

Civil Action No.

C.V. 12-7125-MWF
(mrewx)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* VIACOM INTERNATIONAL, INC.
c/o Corporation Service Company
2711 Centerville Road Suite 400
Wilmington, DE 19808

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Virginia A. Sanderson
KRONENBERGER ROSENFELD, LLP
150 Post Street Suite 520
San Francisco, CA 94108

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

MARILYN DAVIS

Signature of Clerk or Deputy Clerk



Date: AUG 17 2012

AO 440 (Rev. 12/09) Summons in a Civil Action (Page 2)

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____.

☐ I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____; or

☐ I returned the summons unexecuted because _____; or

☐ Other *(specify)*: _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**I (a) PLAINTIFFS** (Check box if you are representing yourself ☐)
NATIONAL PHOTO GROUP, LLC, a limited liability company**DEFENDANTS**
VIACOM INTERNATIONAL, INC., a Delaware corporation, and DOES 1-10,
inclusive**(b) Attorneys** (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)Virginia Sanderson, KRONENBERGER ROSENFELD, LLP
150 Post Street, Suite 520
San Francisco, CA 94108, (415) 955-1155

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: **JURY DEMAND:** ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)**CLASS ACTION** under F.R.C.P. 23: ☐ Yes ☒ No**MONEY DEMANDED IN COMPLAINT:** \$**VI. CAUSE OF ACTION** (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Copyright Infringement, 17 U.S.C. § 501 et seq

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	PERSONAL	PETITIONS	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	FORFEITURE / PENALTY	<input checked="" type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	SOCIAL SECURITY
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights		FEDERAL TAX SUITS
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				

CV12-7125

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT - CALIFORNIA
CIVIL COVER SHEETVIII(a). **IDENTICAL CASES:** Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). **RELATED CASES:** Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. **VENUE:** (When completing the following information, use an additional sheet if necessary.)(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.**Note: In land condemnation cases, use the location of the tract of land involved.**

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):

Date

August 15, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))